

ONE HUNDRED FOURTH LEGISLATURE - FIRST SESSION - 2015
COMMITTEE STATEMENT
LB106

Hearing Date: Thursday February 12, 2015
Committee On: Government, Military and Veterans Affairs
Introducer: Watermeier
One Liner: Adopt the Livestock Operation Siting and Expansion Act and change powers of counties relating to zoning

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:

Aye:	5	Senators Garrett, Groene, Larson, McCoy, Murante
Nay:	2	Senators Bloomfield, Hansen
Absent:		
Present Not Voting:	1	Senator Craighead

Verbal Testimony:

Proponents:

Senator Dan Watermeier
Larry Dix
Jay Rempe
Terry Keebler
Chuck Folken
Jennifer Myers
Steve Wolfe
Gary Lambrecht
Liz Doerr
Lana Bushhousen
John Csukker
Tavis Christiansen
Mark McHargue

Representing:

Introducer
Nebraska Association of County Officials
Nebraska Farm Bureau
Self
Nebraska Cattlemen
Merrick County Planning & Zoning
Nebraska State Dairy Association
Self
Nebraska Pork Producers Association
Gary Bader & Sons Farm, Ranch & Feedyard
Self
Self
Nebraska Farm Bureau

Opponents:

Vern Jantzen
Traci Bruckner
Linus Solberg
Tanna Wirtz
Danny Kluthe
Jim Pappas
Don Goebel
Orval Stahr
John Hansen
Dean Jochem

Representing:

Self
Center for Rural Affairs
Self
Washington County
Colfax County Zoning & Planning
Independent Cattlemen of Nebraska
Self
Stahr & Associates, Inc.
Nebraska Farmers Union
Brown County Zoning

Neutral:

Representing:

Summary of purpose and/or changes:

LB 106 states the Department of Agriculture, with the input of an advisory committee, will develop a scoring matrix to approve or disapprove a proposed or expanding livestock operation.

The matrix could include the following factors:

Size of operation;

Type of operation;

Whether the operation has received a permit from the Department of Environmental Quality;

Environmental practices by the operation manager above those required by the DEQ;

Odor control practices;

Proximity to neighbors and public areas;

Communication with public and public support;

Manure storage;

Traffic;

Economic input;

Landscape and aesthetic appearance.

The Department of Agriculture will reviews the assessment matrix at least once every four years.

LB 106 also creates a seven-member Livestock Siting Review Board appointed by the Governor. The Board will consist of two county representatives, two livestock representatives and three at-large representatives representing economic or environmental interests.

Livestock operations can appeal siting permit denials to the Review Board.

Explanation of amendments:

The committee amendment adds a new Section 3 to clarify the only county zoning authority modified by the bill is the specific authority to grant conditional use permits or special exceptions for siting of livestock operations.

The amendment also adds a new Section 4 that makes clear that existing and lawful livestock operations with or without conditional use permits or special exceptions shall be grandfathered, or allowed to continue until expansion occurs.

In Section 5(2)(c) the amendment clarifies the criteria in the matrix regarding Department of Environmental Quality permitting requirements must allow for the consideration of both completed applications and those in the process of being completed if such operation is required to seek that type of permit.

The amendment strikes the reference to "zoned for agricultural use only," in Section 6(2)(a) and Section 6(5) and inserts "primary land use is agricultural" and strikes "that is not zoned for agricultural use only" in Section 6(5)(a) and inserts "primary land use is not agricultural." These changes more accurately reflect land classifications for purposes of county zoning.

The amendment adds a new Section 6(2)(c) to allow for counties wishing to adopt higher size thresholds than in the bill would be allowed to do so.

Finally, the amendment adds language in Section 8(3) allowing for a person who has had a livestock siting permit denied by the county may appeal such decision directly to district court.

John Murante, Chairperson